

BEGELMAN, ORLOW & MELLETZ

By: Ross Begelman
Marc M. Orlow
Regina D. Poserina
411 Route 70 East, Suite 245
Cherry Hill, NJ 08034
(856) 428-6020
Email: regina.poserina@begelmanorlow.com

HELMER, MARTINS, RICE & POPHAM CO., L.P.A.

By: Paul Martins
James Tate
600 Vine Street, Suite 2704
Cincinnati, OH 45202
(513) 421-2400
Email: pmartins@FCALAWFIRM.COM

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES ex rel.	§	
DONALD PALMER	§	
Plaintiffs/ Counterclaim Defendants	§	PURSUANT TO THE FALSE
	§	CLAIMS ACT, 31 U.S.C. §3729
Vs.	§	et seq.
	§	C.A. NO. 2:12-cv-907 (GEP)
C&D TECHNOLOGIES,	§	
Defendant/Counterclaim Plaintiff	§	

DECLARATION OF ROSS BEGELMAN

I, Ross Begelman, co-counsel for Donald Palmer, do hereby declare as follows:

1. I am an attorney representing the Relator, Donald Palmer, in United States ex rel. Palmer v. C&D Technologies, Inc. As such I am personally familiar with all of the facts and matters contained in this Declaration.
2. I incorporate by reference into this declaration my previous declaration of August 16,

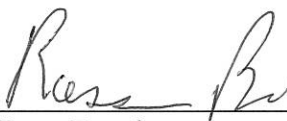
2016 in support of our motion for fees and costs. Additionally, I hereby certify that plaintiff's counsel at the Begelman firm have certified as officers of this court that the work claimed for payment by the defendants in this motion for fees and costs was, in fact, actually done. In reviewing the list of disputed charges based on defendant's disbelief, it appears that all the charges except three are described in sufficient detail. It should be noted that while on some dates what may appear to defendant as duplicate charges, these charges are in fact separate entries for multiple tasks performed on the same day. As previously certified by the Begelman firm, utilizes a case management billing system that allows for contemporaneous entries of time. When possible each time a member of the firm performs a task whether it be a "Review of the File" or a discussion with the client and entry is made. It is not the firms practice to wait until the end of the day and total up all charges, but rather when possible entries are made as work is performed.

3. The three aforementioned entries that may be viewed as vague by defendant total .9 hours of "communication with other external." While these conversations were in fact conversations for example with AUSA Richard Bernstein about whether or not the government would decline intervention or not and what Relator's position would be. It should have also been categorized as conversations with the client and internal conversation to determine if the Begelman firm was going to proceed with the case as a declined case. Those more detailed descriptions were not included in the billing. Those three charges total \$565.00 dollars. The services were performed, contemporaneous attorney notes reveal the content of the conversations.

4. Since our last submission to the court, the Begelman firm has spent 5.47 hours in further effort as a result of defendant's refusal to honor its settlement with the Relator and the United States and in pursuit of the Begelman firm's statutory entitlement to fees and costs. These additional fees are itemized on the schedule attached as Exhibit B-1 to this declaration and represent billable charges of 4.97 hours after the use of billing discretion as outlined in my previous declaration.
5. Exhibit B-2 reflects total time spent by my firm in this case multiplied by 2014 CLS rates, resulting in a total attorneys' fee of \$443,841.05.
6. Exhibit B-3 reflects total time spent by my firm in this case multiplied by 2016 present value/current rates, resulting in a total attorneys' fee of \$527,054.67.
7. Total costs for my firm are \$31,358.61.

Under penalties of perjury, as provided by law, 28 U.S.C. §1746, the Undersigned certifies that the statements set forth in this declaration are true and correct.

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Ross Begelman
411 Route 70 East, Suite 245
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(856) 428-6020
Email: ross.begelman@begelmanorlow.com

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